

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Review Petition filed by Smt. Jaya Shyam Sunder against Proceedings of the District Collector, Guntur, in Rc.No. 555/07-C4, dated: 17-04-08 filed under Section 7(3) of Act 16 of 1993 – Endorse the Scheduled Caste Certificate issued by Mandal Revenue Officer, Guntur, No.20197, dated 3.12.2002- Orders – Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.Ms.No. 33

Dated: 04-03-2009.

Read the following:

1. From the Asst.Register, APHC., Hyderabad, W.P.No. 24973 of 2006, dated: 16-03-06.
2. Proceedings of the District Collector, Guntur, Rc.No. 555/07-C4, dated: 17-04-08
3. Review Petition filed by Smt. Jaya Shyam Sunder, dated: 03-05-08.
4. Letter from the Collector, Guntur, Rc.No. 555/07-C4, dated: 31-05-08.
5. Letter No.2444/C.V-1/07, dated: 14-10-2008.
6. Letter from IGPCR Cell, Hyd., C.No. 5744/C18CID/07, dated: 4-02-09.

ORDER:

In the reference first read above, the petitioner has filed W.P.No. 24973 of 2006 and requested the Hon'ble, High Court to direct 1st & 2nd respondents i.e. the NTR University of Health Sciences, Vijayawada and Government of Andhra Pradesh to enquire in to the social status of 4th respondent i.e. Dr. Javangula Anuradha D/o Mr. Naidu and consequently cancel the allotment of admission of the 4th respondent into M.S. Obestrics and Gynaecology and direct the 1&2 respondents to consider and allot the seat to the petitioner on consequent vacancy in Post Graduate Medical Course and pass orders in the matter.

2. The A.P. High Court in its order dated: 23-08-2007 has directed the 5th respondent i.e. Mandal Revenue Officer to complete the enquiry initiated pursuant to the representation of the petitioner dated : 19-03-07 as expeditiously as possible, preferably within a period of four months from the date of receipt of the order.
3. She has also stated that she is a genuine candidate originally born in Scheduled Caste Community and appeared the PG Entrance, Examination along with her opponent and got eligibility for interview, and got PG Diploma in Gynic & Obetrics course. But, by enjoying the fake caste certificate, the unofficial respondent 4 has got M.S. (Gynic & Obst) Degree course under non-local basis of Osmania Medical College.

(P.T.O.)

4. Dr. Jaya Shyam Sunder has further stated that as per the Court order the Tahsildar has taken up the enquiry and submitted his report to Joint Collector and District Level Scrutiny Committee, Guntur. On that report the DLSC has called her to attend before the Committee on 27-10-2007 at 11.00 AM at his office. As per his orders she has attended but her opponent has not attended on that day. After the District Level Scrutiny Committee, Guntur has written D.O. letter to Tahsildar to submit detailed enquiry report within one month from the date of DLSC meeting. But the Tahsildar has delayed the matter for 2 months and conducted enquiry along with her & her opponent. Dr. Jaya Shyam Sunder has submitted her explanation along with G.Os proofs and taken acknowledgment from Tahsildar.

5. She has further stated that Sri.J.Venkateswara Rao and Dr.J.Karuna, who are couple and given birth to 3 children, they are J. Rama Chandranath, Dr.Anuradha and Dr.J.Hima Bindu. All of them were enjoying with fake caste certificate and got professional degrees and employment. The couple along with their children are living in Guntur city in advanced area. But, the Tahsildar is reporting that they are living in scheduled caste slum area and their relations are with the Scheduled caste Community persons. But it is wrong that the children of the said couple all are majors and highly educated, and accepted their Kalavanttula (BC-D) Caste and married their father's community persons only.

6. Finally, she has requested the Government to kindly go through the report passed by the Tahsildar, Guntur, and the report of the District Level Scrutiny Committee and Additional Director; CBCID Police in to the matter and enquire the same as per the orders passed by the Government under SC &ST Acts, and do the justice.

7. The Govt. has taken up the case for review the of Scheduled Caste social status of Dr. J.Anuradha D/o Venkateswara Rao and placed the matter before State Level Scrutiny Committee for review of the Proceedings of the District Collector, Guntur, Rc.No. 555/07-C4, dated: 17-04-08. Further the Govt. has requested the District Collector, Guntur, to furnish his remarks along with connected records. The District Collector, Guntur, has furnished the remarks and connected records in the reference 4th read above.

8. The remarks of the District Collector, Guntur, is as follows:

The Collector, Guntur District reported that the Tahsildar has submitted his report in Rc. No. 839/2007-E, dated: 28-02-08 that he had observed all the formalities laid down in G.O.Ms. No. 58, Social Welfare (J) Department, dated: 12-05-1997. In his report he stated that the family i.e. Father, Mother, Brother and other relations of Dr. J. Anuradha are following the Hindu traditions worshiping Hindu Gods and Goddesses and also

performing marriages as per Hindu traditions. The Tahsildar, Guntur has finally reported that the caste of Smt. J.Anuradha belongs to Hindu Madiga community as per G.O.Ms. No. 371, SWD, dated: 13-04-1976 and the certificates issued by the then Mandal Revenue Office, Guntur holds good and in conformity with G.O.MS. No. 58, SWD, dated: 12-05-1997, also as she got social acceptance of Madiga Community as per the statements given by the castes people.

After perusing the record submitted by her, the reports of the Tahsildar and rule positions, the DLSC opined that Smt. J.Anuradha belongs to Scheduled Caste-Madiga only, though she is the off spring of an inter caste couple, Backwards Class father and Scheduled Caste mother. After perusing the findings of the District Level Scrutiny Committee and the entire record, the District Collector, Guntur held that Smt. J. Anuradha is rightful claimant for Scheduled Caste-Madiga Community Certificate as per G.O.Ms.No. 371, Social Welfare Department, dated: 13-04-1976.

9. The case was placed before SLSC on 20-12-2008 and notice was issued to the individuals to attend the meeting along with their Counsels, and submitted their evidences along with their statements. After examining the issue by the SLSC, the case was referred to IG., PCR Cell to report on the caste status of Smt. Javangula Anuradha.

10. The IG., PCR Cell in the reference 6th read above, has reported that in all her scholastic certificates, her caste was mentioned as S. C., Hindu – Madiga. Basing on the certificates and other evidences the Tahasildar/M.R.O., Guntur issued permanent cast certificate on 03-12-2002 treating her caste as S.C., Hindu - Madiga (SC-B) with in the purview of G.O.MS.NO.371, Social Welfare Department, Dated: 13-4-1976 and the G. O. was revoked on 03-10-2007 by issuing another G.O.Ms.NO. 91 S.W. dated: 03-10-2007. The latter G.O. has prospective effect only but not retrospective effect. As such the status of the S.C., Hindu - Madiga community of Dr. J. Anuradha cannot be disputed or disturbed because her cast certificate was issued on 15-3-1986 much prior to 03-10-2007 on which date the G.O.MS.91 was issued revoking clause 2 of the G.O.,MS.NO.371 Dt: 13-4-1976.

11. Further the SLS Committee has met again on 28.2.2009, and discussed the matter thoroughly, and decided that the community status of Smt.J.Anuradha cannot be disputed or disturbed based on the G.O.Ms.No.91, SW (C.V-1) Department, dated 3.10.2007, and endorsed the SC community certificate issued by the Mandal Revenue Officer, Guntur, in Certificate No. 20197, dated 3.12.2002 to Smt. J.Anuradha.

(P.T.O.)

12. In the above circumstance the Review petition filed by Dr.Jaya Shyam Sunder, is hereby rejected.

13. The records received from the Collector, Guntur, in reference 4th read above are returned herewith in original and he is requested to acknowledge the receipt of the same immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V.NAGI REDDY,
PRINCIPAL SECRETARY TO GOVERNMENT.**

To
The District Collector, Guntur (WE)
(Original Records, File bearing Rc. No. 555/07-C4,
containing pages 1-782 c.f and 1-28 n.f.)

Smt. Jaya Shyam Sunder,
Pranava Jyothi Classic Apartment,
Besides Subhiksha,
Kothapet, Dilsukhnagar,
Hyderabad.

Smt. J.Anuradha,
“Navya”-20A
Facor Layout,
Ramnagar up,
Visakhapatnam

Copy to:
PS to M (SW)
PS to Prl. Secretary to Govt. (SW)
PA to DS (SW).

//FORWARDED: BY ORDER//

SECTION OFFICER